

## APPENDIX 2

### Examples of State Law Variations Regarding When an UE Claim May Be Asserted

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<b>Jurisdiction<sup>1</sup></b>	<b>Unjust enrichment can be asserted as an independent claim</b>	<b>Plaintiff cannot recover under a theory of unjust enrichment where an adequate remedy at law is available</b>
<b>Alabama</b>	✓ <i>Scrushy v. Tucker</i> , 955 So.2d 988, 1011 (Ala. 2006)	✓ <i>Cnty. Spirit Bank v. Fid. Nat'l Title Ins. Co. of N.Y.</i> , No. 3:09-cv-430-NW, 2009 WL 10688141, at *5 (N.D. Ala. June 22, 2009)
<b>Alaska</b>	✓ <i>George v. Custer</i> , 862 P.2d 176, 180 (Alaska 1993).	✓ <i>Haines v. Comfort Keepers, Inc.</i> , 393 P.3d 422, 428 (Alaska 2017)
<b>Arkansas</b>	UE CANNOT BE INDEPEDENT CLAIM	
<b>Arizona</b>	✓ <i>Little v. Grand Canyon Univ.</i> , 516 F. Supp. 3d 958, 965 (D. Ariz. 2011)	✓ <i>Loiselle v. Cosas Mgmt. Grp., LLC</i> , 224 Ariz. 207, 210, 228 P.3d 943, 946 (Ariz. Ct. App. 2010)
<b>California</b>	UE CANNOT BE INDEPEDENT CLAIM	✓ <i>Huu Nguyen v. Nissan N. Am., Inc.</i> , 2017 WL 1330602 (N.D. Cal. 2017).
<b>Colorado</b>	✓ <i>City of Arvada ex rel. Arvada Police Dep't v. Denver Health and Hosp. Auth.</i> , 403 P.3d 609, 611 (Colo. 2017)	✓ <i>Harris Grp., Inc. v. Robinson</i> , 209 P.3d 1188, 1207 (Colo. Ct. App. 2009)

<sup>1</sup> Note, Michigan, New Hampshire, West Virginia, and Wisconsin are not included in this analysis, as Plaintiffs do not seek UE classes involving those states. Conversely, Louisiana is included since Plaintiffs purport to seek certification of a class including Louisiana, despite this court having previously dismissed with prejudice unjust enrichment claims in Louisiana. MTD Order 5, ECF 839.

<b>Connecticut</b>	✓ <i>Piccolo v. Am. Auto Sales, LLC</i> , 225 A.3d 961, 967 (Conn. App. Ct. 2020)	✓ <i>Town of Plainville v. Almost Home Animal Rescue &amp; Shelter, Inc.</i> , 187 A.3d 1174, 1183 (Conn. Ct. App. 2018)
<b>Delaware</b>	✓ <i>Leaseweb USA, Inc. v. Centro, Inc.</i> , No. N21C-01-219, 2021 WL 5504974, at *3-4 (Nov. 19, 2021)	✓ <i>Total Care Physicians, P.A. v. O'Hara</i> , No. Civ.A.99C-11- 201-JRS, 2002 WL 31667901, at *10 (Del. Super. Ctr. Oct. 29, 2002)
<b>District of Columbia</b>	✓ <i>News World Commc'ns., Inc. v. Thompson</i> , 878 A.2d 1218, 1223 (D.C. 2005)	
<b>Florida</b>	UE CANNOT BE INDEPEDENT CLAIM	✓ <i>Am. Honda Motor Co., Inc. v. Motorcycle Info. Network, Inc.</i> 390 F. Supp. 2d 1170, 1178 (M.D. Fla. 2005)
<b>Georgia</b>	UE CANNOT BE INDEPEDENT CLAIM	
<b>Hawaii</b>	✓ <i>Porter v. Hu</i> , 169 P.3d 994, 53 (Haw. Ct. App. 2007)	✓ <i>Soule v. Hilton Worldwide, Inc.</i> , 1 F. Supp. 3d 1084, 1103 (D. Haw. 2014)
<b>Idaho</b>	UE CANNOT BE INDEPEDENT CLAIM	✓ <i>Mannos v. Moss</i> , 155 P.3d 1166, 1173 (Idaho 2007)
<b>Illinois</b>	UE CANNOT BE INDEPEDENT CLAIM	✓ <i>Guinn v. Hoskins Chevrolet</i> , 836 N.E.2d 681, 704 (Ill. Ct. App. 2005)

<b>Indiana</b>	✓ <i>Estate of Henry v. Woods</i> , 77 N.E.3d 1200, 1207 (Ind. Ct. App.)	✓ <i>Indiana ex rel. Zoeller v. Pastrick</i> , 696 F. Supp. 2d 970, 999 n. 7 (N.D. Ind. 2010)
<b>Iowa</b>	✓ <i>State ex. Rel. Palmer v. Unisys Corp.</i> , 637 N.W.2d 142, 154-55 (Iowa 2001)	✓ <i>Iowa Waste Sys., Inc. v. Buchanan Cty.</i> , 617 N.W.2d 23, 30 (Iowa Ct. App. 2000);
<b>Kansas</b>	✓ <i>Grothe v. Grothe</i> , No. 109,002, 2014 WL 5801003, at *5 (Kan. Ct. App. Oct. 31, 2014)	✓ <i>Deeds v. Waddell &amp; Reed Inv. Mgmt. Co.</i> , 280 P.3d 786, 795 (2012)
<b>Kentucky</b>	✓ <i>Collins v. Kentucky Lottery Corp.</i> , 399 S.W.3d 449, 455 (Ky. App. 2012)	✓ <i>U.S. v. Stevens</i> , 605 F. Supp. 2d 863, 869-70 (W.D. Ky. 2008)
<b>Louisiana<sup>2</sup></b>	✓ <i>Greighty v. Domingue</i> , 249 So.3d 1016, 1034 (La. Ct. App. 2018)	✓ La. Civ. Code Ann. art. 2298; <i>Walters v. MedSouth Rec. Mgmt., LLC</i> , 38 So. 3d 245, 246–47 (La. 2010)
<b>Maine</b>	✓ <i>Wahlcometroflex, Inc. v. Baldwin</i> , 991 A.2d 44, 49 (Me. 2010)	✓ <i>Wahlcometroflex, Inc. v. Baldwin</i> , 991 A.2d 44, 49 (Me. 2010)
<b>Maryland</b>	✓ <i>Benson v. State</i> , 887 A.2d 525 (Md. 2005).	✓ <i>State v. Philip Morris Inc.</i> , 1997 WL 540913, *14 (Md. Cir. Ct. 1997).
<b>Massachusetts</b>	UE CANNOT BE INDEPEDENT CLAIM	✓ <i>Shaulis v. Nordstrom, Inc.</i> , 865 F.3d 1, 16 (1st Cir. 2017)

<sup>2</sup> UE claims in Louisiana were previously dismissed with prejudice by this Court (MTD Order 5, ECF 839); nonetheless, Plaintiffs include Louisiana in their proposed class definitions.

<b>Minnesota</b>	✓ <i>Schumacher v. Schumacher</i> , 627 N.W.2d 725, 729 (Minn. Ct. App. 2001)	✓ <i>Langford Tool &amp; Drill Co. v. 401 Group, LLC</i> , 2015 WL 134034, at *2 (Min. Ct. App. Jan. 12, 2015)
<b>Mississippi</b>	✓ <i>Fordice Const. Co. v. Cent. States Dredging Co.</i> , 631 F. Supp. 1536 (S.D. Miss. 1986)	✓ <i>Hood ex rel. State v. BASF Corp.</i> , 2006 WL 308378, at *13 (Miss. Chan. Jan. 17, 2006).
<b>Missouri</b>	✓ <i>Howard v. Turbull</i> , 316 S.W.3d 431, 436 (Mo. Ct. App. 2010)	✓ <i>Amalaco, LLC v. Butero</i> , 593 S.W.3d 647, 653 (Mo. Ct. App. 2019)
<b>Montana</b>	✓ <i>Guschausky v. Am. Fam. Life Assur. Co. of Columbus</i> , No. CV 10-59-H-DMW, 2011 WL 1897183, at *4 (D. Mont. May 10, 2011)	
<b>Nebraska</b>	✓ <i>Pro. Recruiters, Inc. v. Oliver</i> , 456 N.W.2d 103, 107-08 (Neb. 1990)	✓ <i>Pilot Inv. Grp. Ltd. v. Hofarth</i> , 550 N.W.2d 27, 33 (Neb. 1996)
<b>Nevada</b>	✓ <i>USACM Liquidating Trust v. Monaco</i> , No. 2:09-cv-01947-RCJ-PAL, 2010, WL 11579643, at *3 (D. Nev. Jan. 27, 2010)	✓ <i>Small v. Univ. Med. Ctr. of S. Nevada</i> , No. 2:13-cv-298, 2016 WL 4157309, at *3 (D. Nev. Aug. 3, 2016)
<b>New Jersey</b>	✓ <i>Napier v. Pub. Serv. Elec. &amp; Gas Co.</i> , No. A-4532-12T1, 2014 WL 3444670, at *3 (N.J. Super. Ct. App. Div. July 15, 2014)	✓ <i>Duffy v. Charles Schwab &amp; Co., Inc.</i> , 123 F. Supp. 2d 802, 814 (D.N.J. 2000)
<b>New Mexico</b>	✓ <i>Hydro Conduit Corp. v. Kemble</i> , 1990-NMSC-061, ¶ 1, 110 N.M. 173, 174, 793 P.2d 855, 856	✓ <i>Figueroa v. Ethicon, Inc.</i> , No. 2:19-cv-1188 KWR/KRS, 2020 WL 1434249, at *3 (D.N.M. Mar. 24, 2020)

<b>New York</b>	✓ <i>Mannino v. Passalacqua</i> , 172 A.D.3d 1190, 1193, 101 N.Y.S.3d 381, 384 (2019)	✓ <i>Samiento v. World Yacht, Inc.</i> , 883 N.E.2d 990, 996 (N.Y. 2008)
<b>North Carolina</b>	✓ <i>Se. Anesthesiology Consultants, PLLC v. Rose</i> , No. 17 CVS 9002, 2019 WL 5090364, at *6 (N.C. Super. Oct. 10, 2019)	✓ <i>Hawks v. Brindle</i> , 275 S.E.2d 277, 282 (N.C. Ct. App. 1981)
<b>North Dakota</b>	✓ <i>McDougall v. AgCountry Farm Credit Servs.</i> , 2021 ND 98, ¶ 14, 960 N.W.2d 792, 797	✓ <i>McDougall v. AgCountry Farm Credit Servs.</i> , 2021 ND 98, ¶ 14, 960 N.W.2d 792, 797
<b>Ohio</b>	✓ <i>Booher Carpet Sales, Inc. v. Erickson</i> , No. 98-CA-0007, 1998 WL 677159, at *3 (Ohio Ct. App. Oct. 2, 1998)	✓ <i>Banks v. Nationwide Mut. Fire Ins. Co.</i> , No. 99AP-1413, 2000 WL 1742064, at *5 (Ohio Ct. App. Nov. 28, 2000)
<b>Oklahoma</b>	✓ <i>Harvell v. Goodyear Tire &amp; Rubber Co.</i> , 2006 OK 24, ¶ 20, 164 P.3d 1028, 1036	✓ <i>Am. Biomedical Group, Inc. V. Techtrol, Inc.</i> , 374 P.3d 820, 824 (Okla. 2016).
<b>Oregon</b>	✓ <i>Tupper v. Roan</i> , 349 Or. 211, 217, 243 P.3d 50, 55 (2010)	✓ <i>In re Gen. Motors LLC Ignition Switch Litig.</i> , 339 F. Supp. 3d 262, 339 (S.D.N.Y. 2018)
<b>Pennsylvania</b>	✓ <i>Villoresi v. Femminella</i> , 2004 PA Super 256, ¶ 16, 856 A.2d 78, 84 (2004)	✓ <i>Meehan v. Cheltenham Twp.</i> , 189 A.2d 593, 595 (Pa. 1963)
<b>Rhode Island</b>	✓ <i>Dellagrotta v. Dellagrotta</i> , 873 A.2d 101, 113 (R.I. 2005)	

<b>South Carolina</b>	✓ <i>Beverly v. Grand Strand Reg'l Med. Ctr., LLC</i> , 429 S.C. 502, 515, 839 S.E.2d 468, 474 (Ct. App. 2020), <i>reh'g denied</i> (Mar. 31, 2020), <i>cert. granted</i> (Nov. 25, 2020), <i>aff'd</i> , 435 S.C. 594 (2022)	✓ <i>Regions Bank v. Wingard Properties, Inc.</i> , 394 S.C. 241, 256–57, 715 S.E.2d 348, 356 (Ct. App. 2011); <i>In re Gen. Motors LLC Ignition Switch Litig.</i> , 339 F. Supp. 3d 262, 341 (S.D.N.Y. 2018)
<b>South Dakota</b>	✓ <i>Mealy v. Prins</i> , 2019 S.D. 57, ¶ 8, 934 N.W.2d 891, 895	✓ <i>Schumacher v. Tyson Fresh Meats, Inc.</i> , No. 1:02-cv-1027, 2006 WL 7124778, at *4 (D.S.D. Apr. 10, 2006)
<b>Tennessee</b>	✓ <i>Mills v. Mills</i> , No. W201400855COAR3CV, 2015 WL 3883176, at *12 (Tenn. Ct. App. June 24, 2015)	
<b>Texas</b>	UE CANNOT BE INDEPEDENT CLAIM	
<b>Utah</b>	✓ <i>Rawlings v. Rawlings</i> , 2010 UT 52, ¶ 29, 240 P.3d 754, 763	✓ <i>Thorpe v. Wash. City</i> , 243 P.3d 500, 507 (Utah Ct. App. 2010)
<b>Vermont</b>	✓ <i>McLaren v. Gabel</i> , 2020 VT 8, ¶ 25, 211 Vt. 591, 605, 229 A.3d 422, 432 (2020)	
<b>Virginia</b>	✓ <i>R.M. Harrison Mech. Corp. v. Decker Indus., Inc.</i> , No. CL08-193, 2008 WL 106609311, at *3 (Va. Cir. Ct. Aug. 28, 2008)	✓ <i>R.M. Harrison Mech. Corp. v. Decker Indus., Inc.</i> , No. CL08-193, 2008 WL 10669311, at *7 (Va. Cir. Ct. Aug. 28, 2008)
<b>Washington</b>	✓ <i>Puget Sound Sec. Patrol, Inc. v. Bates</i> , 389 P.3d 709, 716 (Wash. Ct. App. 2017)	✓ <i>Kelley v. Microsoft Corp.</i> , 251 F.R.D. 544, 551 (W.D. Wa. 2008)

<b>Wyoming</b>	✓ <i>Boyce v. Freeman</i> , 39 P.3d 1062, 1065 (Wyo. 2002)	
<b>Puerto Rico</b>	✓ <i>Hatton v. Mun. of Ponce</i> , 134 D.P.R. 1001, 1010 (P.R. 1994)	